

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CAROLYN EVETTE WADE

Plaintiff,

CAROLYN W. COLVIN,
Commissioner of Social Security,

Defendant.

Civil No. 14cv2228-LAB (DHB)

**ORDER GRANTING
PLAINTIFF'S MOTION TO
PROCEED *IN FORMA PAUPERIS***

On September 18, 2014, Plaintiff Carolyn Evette Wade (“Plaintiff”) filed a complaint seeking judicial review of Defendant’s denial of disability benefits under the Social Security Act. Plaintiff has also filed a Motion for Leave to Proceed *In Forma Pauperis* (“IFP”). (ECF No. 3.)

All parties instituting any civil action, suit or proceeding in a district court of the United States, except an application for writ of habeas corpus, are required to pay a filing fee. *See* 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed IFP pursuant to 28 U.S.C. § 1915(a). *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999).

Pursuant to 28 U.S.C. § 1915(a), a court may authorize the commencement of a suit without prepayment of fees if the plaintiff submits an affidavit, including a statement of all assets, showing that she is unable to pay filing fees. *See* 28 U.S.C. §1915(a). In the present case, having reviewed Plaintiff's motion and declaration in support of the motion, the Court finds that Plaintiff has made a sufficient showing of inability to pay the

1 required filing fees. *See Rodriguez*, 169 F.3d at 1177.

2 Any complaint filed pursuant to the IFP provisions of 28 U.S.C. § 1915(a), is also
3 subject to a mandatory and *sua sponte* review and dismissal by the Court, if it finds the
4 complaint is “frivolous, malicious, failing to state a claim upon which relief may be
5 granted, or seeking monetary relief from a defendant immune from such relief.” 28
6 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) (“[T]he
7 provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”). Having
8 conducted its initial review of Plaintiff’s complaint, the Court finds it sufficient to survive
9 the *sua sponte* screening provisions of § 1915(e)(2).

10 Accordingly, for good cause shown, IT IS HEREBY ORDERED as follows:

11 1. Plaintiff’s Motion for Leave to Proceed IFP is **GRANTED**.

12 2. The United States Marshal shall serve a copy of the complaint, summons,
13 and this Order granting Plaintiff leave to proceed IFP upon Defendant as
14 directed by Plaintiff on U.S. Marshal Form 285. All costs of service shall
15 be advanced by the United States.

16 3. Defendant shall respond to the Complaint within the time provided by the
17 applicable provisions of the Federal Rules of Civil Procedure.

18 IT IS SO ORDERED.

19 DATED: October 9, 2014

20 
21 DAVID H. BARTICK
22 United States Magistrate Judge
23
24
25
26
27
28